

VIA ZOOM, THURSDAY, NOVEMBER 18, 2021, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48532

MICAELA ROSE DELAGARDE,)
)
Petitioner-Respondent,)
)
v.)
)
LAURENT DELAGARDE,)
)
Respondent-Appellant.)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Gerald F. Schroeder, District Judge; Hon. Laurie A. Fortier, Magistrate.

Bevis, Thiry & Schindele, P.A.; Jennifer M. Schindele, Boise, for appellant.

Gravis Law, PLLC; Charles B. Bauer, Boise, for respondent.

Laurent Delagarde appeals from the district court's order on intermediate appeal, affirming the magistrate court's judgment and decree of divorce. Following a trial, the magistrate court entered a decree. As it relates to Laurent's appeal, the decree awards Micaela Rose Delagarde primary physical custody of the parties' three-year old-daughter; grants Laurent five consecutive overnights of vacation with the daughter; and requires both parents to agree to the daughter obtaining a French passport.

Laurent, who is a French citizen and a permanent resident of the United States, appealed the decree challenging both the limitation on his overnight visitation and the requirement that the parents jointly agree to the daughter obtaining a passport. Laurent contends these limitations prohibit him from traveling with daughter to France to visit his family. The district court, sitting in an appellate capacity, affirmed the magistrate court's decree. On appeal to this Court, Laurent argues that neither the limitation on his overnight visitation nor the requirement that both parents jointly agree to the daughter obtaining a passport is supported by substantial and competent evidence and that the magistrate court abused its discretion by imposing these limitations on Laurent's ability to travel.